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TESTIMONY OF ALFRED A. DELLIBOVI
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URBAN MASS TRANSPORTATION ADMINISTRATION
BEFORE THE
SUBCOMMITTEE ON TRANSPORTATION, TOURISM AND HAZARDOUS MATERIALS
COMMITTEE ON ENERGY AND COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES
SEPTEMBER 17, 1987

Mr. Chairman, members of the Committee, my name is Theodore Munter. I am the Assistant Chief Counsel of the Urban Mass Transportation Administration (UMTA). I am pleased to have this opportunity to appear before you today to discuss UMTA's views on the recent CSX train derailments and their impact on the Washington area Metrorail system. UMTA's Deputy Administrator, Alfred A. DelliBovi, had a previous commitment out of town today and regrets that he is unable to testify.

In the early days of construction, UMTA's role with respect to the Washington area Metrorail system was much different from that which we exercise over our other grantees. In the planning and construction stages of Metrorail in the late sixties and the early seventies, WMATA was funded with direct appropriations from Congress under the National Capital Transportation Act of 1969.

Neither UMTA nor the Department of Transportation had authority during this period to exercise any oversight function over WMATA or its planning process. It was during this period that the planning of the alignment of the rail line in question took place.

UMTA's role changed in the mid-seventies when WMATA began using interstate transfer funds for the construction of the Metrorail system. By applying for and receiving Federal interstate transfer funds, WMATA became subject to all of the requirements and responsibilities UMTA imposes on each of its grantees. This process continued when Congress passed the National Capital Transportation Amendments of 1979, the Stark-Harris legislation that authorized additional Federal funding for the cost of construction of the Metrorail system.

Even though our role with respect to Metro has changed, I should emphasize that generally we do not get involved in local issues concerning the selection of the alignment of rail or rapid transit lines. These are local matters that can only be decided at the local level.

UMTA, of course, is concerned about the safety of a grantee's system and how that system is constructed. Because of a number of

problems that were occurring during the construction phase of some of the transit rail systems being built with UMTA funds, a few years ago we reexamined the way in which UMTA provided oversight of major capital projects. After examining a number of other Federal agencies and related oversight programs, we concluded that it was important to increase our independent oversight of major UMTA-funded projects. As a result, UMTA developed a national project management oversight program for the construction of UMTA-funded major capital projects. Under this program, UMTA assigns independent contractors to perform project management oversight on major construction projects. The contractors report directly to UMTA staff, thereby allowing UMTA staff to carefully monitor these projects.

Funding for this program was limited until Congress in the FY 1986 and FY 1987 Department of Transportation appropriation acts authorized UMTA to use up to 1/2 of 1 percent of the funds available under its major capital programs for project management oversight purposes. The program has worked so well that this authority was included in our recently-enacted five-year reauthorization act, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Each of these bills specifically authorized us to use up to 1/2 of 1 percent of the funds available under the Stark-Harris legislation for project management oversight purposes. I want to assure you that we have used and are using this program to the maximum extent possible during construction of the Metrorail system. A joint venture of two firms, Day & Zimmerman, and Stone & Webster, currently is providing us with independent oversight reports on Metrorail construction.

In light of the recent CSX derailments, Deputy Administrator DelliBovi has directed these firms to review the construction plans for the shared corridors on the Metrorail Green and Yellow lines still under construction to determine what WMATA is doing to mitigate the risks associated with such alignments.

In the meantime, we understand that the Federal Railroad Administration is conducting a full audit of the safety performance of CSX's Baltimore Division. We also understand that Metro is undertaking a common corridor safety study that will identify and examine common corridor safety risks in terms of their likelihood of occurrence, their causes, and potential effects. The study will also examine control measures that are capable of reducing or mitigating the probability or severity of such occurrences.

Once these studies are complete we will carefully review them to help us decide what steps need to be taken to make certain that in the future the risks associated with derailments or similar accidents can be mitigated.

Mr. Chairman, members of the Committee, that concludes my testimony and I would be pleased to answer any questions you may have.